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## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference FP4696	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International application No. <b>PCT/AU 97/00351</b>	International filing date 4 June 1997	Priority Date 5 June 1996
International Patent Classification (IPC) or national classification and IPC  <b>Int. Cl.<sup>6</sup> C07K 14/135; A61K 39/155; G01N 33/68, 33/569</b>		
Applicant (1) Biomolecular Research Institute Ltd (2) GORMAN, Jeffrey John		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																
2.	<p>This REPORT consists of a total of <del>13</del> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <b>2</b> sheet(s).</p>																
3.	<p>This report contains indications relating to the following items:</p> <table border="0"> <tr> <td>I</td> <td><input checked="" type="checkbox"/> Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/> Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/> Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/> Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/> Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/> Certain observations on the international application</td> </tr> </table>	I	<input checked="" type="checkbox"/> Basis of the report	II	<input type="checkbox"/> Priority	III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/> Lack of unity of invention	V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/> Certain documents cited	VII	<input type="checkbox"/> Certain defects in the international application	VIII	<input type="checkbox"/> Certain observations on the international application
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Date of submission of the demand 23 December 1997	Date of completion of the report 15 January 1998
Name and mailing address of the IPEA/AU AUSTRALIAN INDUSTRIAL PROPERTY ORGANISATION PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (02) 6285 3929	Authorized Officer  <b>MR LEIGH R. TRISTRAM</b>  Telephone No. (02) 6283 2075

**I. Basis of the report**

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description,      pages 1, 3-36, & 38-47 , as originally filed,  
    pages 2 & 37 , filed with the demand,  
    pages    , filed with the letter of    ,  
    pages    , filed with the letter of    .
- ☒ the claims,      Nos. 1-18 , as originally filed,  
    Nos.    , as amended under Article 19,  
    Nos.    , filed with the demand,  
    Nos.    , filed with the letter of    ,  
    Nos.    , filed with the letter of    .
- ☒ the drawings,      sheets/fig 1/23-23/23 , as originally filed,  
    sheets/fig    , filed with the demand,  
    sheets/fig    , filed with the letter of    ,  
    sheets/fig    , filed with the letter of    .

2. The amendments have resulted in the cancellation of:

- ☐ the description,      pages
- ☐ the claims,      Nos.
- ☐ the drawings,      sheets/fig

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <b>1-18</b>	<b>YES</b>
	Claims <b>none</b>	<b>NO</b>
Inventive step (IS)	Claims <b>1-18</b>	<b>YES</b>
	Claims <b>none</b>	<b>NO</b>
Industrial applicability (IA)	Claims <b>1-18</b>	<b>YES</b>
	Claims <b>none</b>	<b>NO</b>

**2. Citations and explanations**

None of prior art teaches nor fairly suggests a compound having structural homology to the claimed region of the G protein of RSV. Neither the specific size of the amino acid sequence nor the lack of oligosaccharide linkage has been previously taught. Therefore, the claimed subject matter is considered to have novelty and inventive step.

The claimed subject matter is considered to have industrial applicability in research into nor treatment of Respiratory Syncytial Virus.